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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,591	01/15/2004	Takatoshi Kato	M1071.1880/P1880	4910
32172	7590	01/13/2006		
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) 41 ST FL. NEW YORK, NY 10036-2714			EXAMINER SOTOMAYOR, JOHN B	
			ART UNIT	PAPER NUMBER
			3662	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,591

Applicant(s)

KATO ET AL.

Examiner

John B. Sotomayor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 12 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-11 and 13 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 15 JAN 04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings filed January 15, 2004 appear to be formal and are acceptable.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement filed January 15, 2004 has been entered and considered. An initialed copy of the PTO-1449 by the Examiner is attached.
4. The information disclosure statement filed March 30, 2004 has been entered and considered. An initialed copy of the PTO-1449 by the Examiner is attached.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1, 2, 4, 5, 7, 14-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Ammar et al ('089) or Yamashita et al ('072).

The claims are considered to be met by Ammar et al ('089) who show, inter alia, a high-frequency oscillation apparatus and method including, voltage controlled oscillator 56, dielectric resonator 52, and controller 72, which operates in such a manner so as to control the output of the oscillator.

The claims are considered to be met by Yamashita et al ('072) who show, inter alia, a high-frequency oscillation apparatus and method including, voltage controlled oscillator device 1, dielectric resonator 5, and control circuit, which operates in such a manner so as to control the output of the oscillator. Specifically, Yamashita et al ('072) discloses a dielectric resonator 5 is coupled with the main line 3 at a predetermined position thereof. A sub line 4 comprising a microstrip line is disposed in the vicinity of the resonator 5 at a predetermined position to achieve coupling. A variable reactance element 2 comprising e.g., a varactor diode, is connected between one end of the sub line 4 and ground. A circuit to supply a control voltage V_c to the variable reactance element 2 is connected to the sub line 4 via an inductor 10 and a switching circuit 19. In addition, a voltage monitor 15 is disposed between one end of the inductor 10 and ground. The above oscillation device 1 works as a negative resistive element, and the whole circuit works as a band reflection oscillator. The oscillation frequency is determined by the line length of the microstrip line of the line 7, the coupling position of the resonator 5 with the main line 3, and the resonance frequency of the resonator 5. The capacitive load on the resonator 5 changes according to the capacitance of the

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variable reactance element 2, the resonance frequency of the resonator 5 changes, and as a result, the oscillation frequency changes, and thus the oscillation frequency is controlled by the control voltage V_c applied to the variable reactance element 2.

Allowable Subject Matter

7. Claims 8-11 and 13 are allowed.
8. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art show various oscillator systems or circuits.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Sotomayor whose telephone number is 571-272-6978. The examiner can normally be reached on Monday to Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom H. Tarcza, can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John B. Sotomayor
Primary Examiner
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